

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ENZON, INC.,)	
)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 04-1285-GMS
)	
PHOENIX PHARMACOLOGICS, INC.,)	
)	
Defendant.)	
)	
)	
)	
)	

DEFENDANT PHOENIX PHARMACOLOGICS, INC.'S SECOND
NOTICE OF DEPOSITION OF PLAINTIFF ENZON, INC.
PURSUANT TO FED.R.CIV.P. 30(b)(6)

PLEASE TAKE NOTICE THAT, pursuant to FED. R. CIV. P. 30(b)(6), Phoenix Pharmacologics, Inc. ("Phoenix") shall take the deposition upon oral examination of Enzon, Inc. ("Enzon"), at the offices of Woodcock Washburn LLP, 46th Floor, One Liberty Place, Philadelphia, Pennsylvania 19103, or at some other mutually agreed location, beginning at 9:00am on September 30, 2005, and continuing from day to day until completed. The deponent(s) testimony will be recorded by videotape and stenographic means, including real time transcription. You are invited to attend and cross-examine.

Pursuant to FED. R. CIV. P. 30(b)(6), Enzon is directed to designate one or more officers, directors, managing agents or other persons who consent to testify upon its

behalf and who have knowledge of and are adequately prepared to testify concerning the following topics:

DEFINITIONS

Unless otherwise indicated, the definitions contained in Phoenix's First Set of Document Requests to Enzon and Phoenix's First, Second, and Third Sets of Interrogatories to Enzon are incorporated herein by reference.

TOPICS

1. The factual basis for Enzon's unjust enrichment claim (Amended Complaint, Count III).
2. Any benefit or enrichment (including but not limited to any consideration, information, advantage, or assistance) that Enzon alleges Phoenix has received related to Modified Arginine Deiminase, including any benefit or enrichment Phoenix utilized in "receiving the '738 patent, ... applying for and obtaining patents within and outside of the United States related to same, ... engaging in clinical research and ... making regulatory filings related to the subject matter described and claimed in '738 patent" (Enzon's response to Phoenix's Interrogatory No. 7).
3. Any information that Enzon alleges Phoenix unjustly used, including but not limited to the "information and work" Enzon alleges that Dr. Mike Clark "stole" from Enzon (Enzon's brief in support of its Rule 12(f) motion to strike, D.I. 43, p. 3).

4. Enzon's attempts to license and/or licensing of Modified Arginine Deiminase.

5. Enzon's policy, plan, or strategy for marketing and/or commercializing Modified Arginine Deiminase, including but not limited to launch plans, marketing plans, news releases, press releases, journal publications, competitive comparisons, product positioning, demonstrations, forecasts, budgets, market surveys, and market projections.

6. All agreements to research, develop, distribute, license, sell, or otherwise conveys rights in Modified Arginine Deiminase to which Enzon is a party.

7. All attempts by Enzon to enter into agreements to research, develop, distribute, license, sell, or otherwise conveys rights in Modified Arginine Deiminase.

8. Any communications between Enzon and any investors, venture capitalists, licensees, or potential partners related to Modified Arginine Deiminase from 1996 to the present.

9. Enzon's competitors or anticipated competitors with respect to Modified Arginine Deiminase.

10. Enzon's projected sales volume (both in dollars and units) for Modified Arginine Deiminase.

11. Enzon's pricing policies, plans, or strategies for Modified Arginine Deiminase.

12. Enzon's anticipated or projected customer base for Modified Arginine Deiminase.

13. Any actual or planned public or private security offering and/or issuance by Enzon related to Modified Arginine Deiminase.

14. Enzon's actual and projected costs and expenditures relating to the development, manufacture, sale, and marketing of Modified Arginine Deiminase, including but not limited to capital expenditures and operating expenses, and how Enzon allocates costs.

15. Enzon's actual or projected profits or losses derived from the development, manufacture, distribution, sale, use, or manufacture of Modified Arginine Deiminase.

THE BAYARD FIRM

September 13, 2005

/s/ Thomas H. Kovach (tk3964)

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